

Re Point V

Reasoned statement with regard to novelty, inventive step, and industrial applicability; citations and explanations supporting this statement

1. Reference is made to the following documents:

D1: US 4,155,755 A (SARA RAYMOND V) May 22, 1979

D2: US 6,499,943 B (NAZMY MOHAMED ET AL) Dezember 31, 2002

D3: STOLOFF N S ET AL: "Emerging applications of intermetallics" INTERMETALLICS, ELSEVIER SCIENCE PUBLISHERS B.V, GB, Bd. 8, Nr. September 9-11, 2000, pp 1313-1320, XP004223349 ISSN: 0966-9795

D4: WO 03/033192 A (INGO LTD ; NAUMANN DIRK; BOEHM ALEXANDER; GOEHLER HARTMUT) April 24, 2003

2. The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claims 1 and 9 is not novel in the sense of Article 33(2) PCT.

2.1 Document D1 discloses (the references in parentheses relate to this document):

A run-in coating for gas turbines (Abstract), for sealing a radial gap between a housing of the gas turbine and rotating rotor blades of same, the run-in coating being applied to the housing, the run-in coating being produced

from an intermetallic titanium-aluminum material Claims 1 and 8).

2.2 Therefore, the subject matter of Claim 1 is not novel.

2.3 The same reasoning applies correspondingly to independent Claim 9. The subject matter of Claim 9 thus is also not novel (Article 33(2) PCT).

3. In addition, with regard to documents D2 and D3, the subject matter of Claims 1 and 9 is not based on an inventive activity within the meaning of Article 33(3).

3.1 Document D2 describes a run-in coating for gas turbines, the run-in coating being applied to the housing and the run-in coating being made of an intermetallic material.

3.2 Thus, the subject matter of Claims 1 and 9 differs from the run-in coating known from D2 in that an intermetallic titanium-aluminum material is used as the material.

3.3 In the feature of using an intermetallic titanium-aluminum material, what is involved is only one of several obvious possibilities, (D2, column 2, lines 64-67) from which one skilled in the art would select corresponding to the circumstances, without inventive help. This is particularly so since it is known from D3 that especially an intermetallic titanium-aluminum material is suitable for application in turbines.

3.4 Therefore, the subject matter of Claims 1 and 9 is not based on an inventive activity.

4. Dependent Claims 2-8 and 10-17 do not include any features which, in combination with the features of any claim whatsoever, to which they refer, satisfy the requirements of the PCT with regard to inventive activity, because the additional features are already known from the related art, or since they lie within the scope of that which one skilled in the art normally applies, based on considerations in which he is current; e.g.:

- Claims 2, 3, 10 and 11: D4, Claims 29 and 35
- Claims 13 and 15: D1, Claims 1 and 4